

BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000-14th STREET, N.W., SUITE 420
WASHINGTON, D.C. 20009
(202) 671-0550

IN THE MATTER OF)	DATE: January 7, 2004
)	
Parag V. Mehta)	DOCKET NO.: 03F-023
Member (Former))	
Commission on Asian and Pacific Islanders)	
Affairs)	
298 S. Winooski Avenue)	
Burlington, Vermont 05401)	

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of General Counsel following a determination by its Public Information Records Management Division, that pursuant to the D.C. Code §1-1106.02 (2001 Edition), Parag V. Mehta, Member, Commission on Asian and Pacific Islanders Affairs (Commission), failed to timely file, a Financial Disclosure Statement for calendar year 2002, on or before May 15, 2003 as required by D.C. Official Code §1-1106.02 and also failed to file on or before the OCF sanctioned extended filing deadline of June 19, 2003.

By Notices of Hearing, Statements of Violations and Orders of Appearance dated August 5, 2003, August 15, 2003 and September 2, 2003, OCF ordered Parag V. Mehta (hereinafter respondent), to appear at scheduled hearings on August 14, 2003, August 27, 2003 and September 12, 2003 and show cause why he should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

Summary of Evidence

OCF alleges that the respondent failed to timely file the statutorily required Financial Disclosure Statement for calendar year 2002, on or before June 19, 2003.

On November 7, 2003, respondent contacted OCF to advise that its September 2, 2003 Notice of Hearing, Statement of Violations and Order of Appearance was delivered to him at his Burlington, Vermont address. On November 14, 2003, respondent filed an affidavit with OCF stating that in February 2002, he moved to Texas to work on a political campaign. Respondent stated that he believed his move from the District

effected his resignation from the Commission. Respondent stated he was not aware of his responsibility to file an FDS for 2002, nor was he advised to do so. Respondent further stated that OCF notices were mailed to his former address, 1933 – 18th Street, NW, #303, Washington, DC 20009, where he has not resided since February 2001. Respondent filed a fully executed FDS with OCF on November 14, 2003.

Findings of Fact

Having reviewed the allegations and the record herein, I find:

1. Respondent was appointed to the Commission in May 2001.
2. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2002, on or before June 19, 2003.
3. Respondent filed the required Financial Disclosure Statement on November 14, 2003.
4. OCF Notices to respondent were returned to OCF by the US Postal Service due to an insufficient address.
5. Respondent's address of record was provided to OCF by the Office of Boards and Commissions.
6. Respondent is a first-time required FDS filer.
7. Respondent's explanation for the filing delinquency is credible in that he did not receive a notice from OCF to file an FDS until November 7, 2003.
8. Respondent is currently in compliance with the statute.

Conclusions of Law

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code §1-1106.02.
2. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3DCMR §§3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code §1-1106.02 is a fine of \$50.00 per day for each business day subsequent to the due date.

3. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$2,000.00 for failing to timely file a Financial Disclosure Statement.
4. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent's explanation for failing to timely file constitutes good cause for suspension of the fine.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of the fine in this matter.

Date

Jean Scott Diggs
Hearing Officer

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

Date

Kathy S. Williams
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine in this matter be hereby suspended.

Date

Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order.

Rose Rice
Legal Assistant

NOTICE

Pursuant to 3DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14th Street, N.W., Washington, D.C. 20009.